

NOV 14 1983

No. 82-1651

ALEXANDER L. STEVENS,  
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1983

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CRISPUS NIX, Warden of the  
Iowa State Penitentiary,

Petitioner,

vs.

ROBERT ANTHONY WILLIAMS,

Respondent.

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On Writ of Certiorari to the United States  
Court of Appeals for the Eighth Circuit

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SUPPLEMENTAL BRIEF OF THE RESPONDENT

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Robert Bartels  
College of Law  
Arizona State University  
Tempe, Arizona 85287  
(602) 965-7053

Court-appointed Counsel  
for the Respondent

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The purpose of this Supplemental Brief  
is to bring to the Court's attention an  
important citation that should have been  
included in the Brief of the Respondent.  
In Estelle v. Smith, 451 U.S. 454 (1982),  
this Court held that the presentation of

certain psychiatric testimony at the penalty phase of the defendant's trial violated his Sixth Amendment rights because that testimony resulted from a pre-trial interview with the defendant without notice to his court-appointed counsel that the interview would encompass issues relevant to sentencing. This decision directly supports the respondent's argument that the evidence at issue in this case must be suppressed, without regard to any balancing of "deterrent" effects against social costs of exclusion (see Brief of the Respondent at 5-8). Moreover, because Estelle v. Smith was a §2254 case, its holding also directly supports the respondent's argument that Stone v. Powell, 428 U.S. 465 (1976), does not apply to this case (see Brief of the Respondent at 35-41).

Respectfully submitted,

ROBERT BARTELS  
Counsel for the Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of November, 1983, he deposited three copies of the foregoing document in a United States Post Office mailbox, with postage prepaid, and addressed to counsel for the petitioner:

Mr. Brent R. Appel  
Deputy Attorney General  
Hoover Office Building  
Des Moines, Iowa 50319

The undersigned further certifies that all parties required to be served have been served.

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ROBERT BARTELS